

REMARKS

Claims 1-19 are pending in the application with claims 1, 5, and 9 being the independent claims. Claims 1, 5, and 8 are amended. Claims 9-19 are new. Support for these amendments and new claims may be found in the specification, claims, and drawings as originally filed.

Rejection under 35 U.S.C. § 102(b)

Claims 1-8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,818,911 to Fournier.

Claims 1-4 and 6-8

Claim 1 is directed to a substance delivery device adapted for insertion into a body cavity of an animal. The substance delivery device includes a supporting structure configured to be retained within the body cavity of the animal. It also includes a substance dispenser independent of the supporting structure. The substance dispenser includes a plurality of finger means configured to allow sustained release of substances over a period of time, the plurality of finger means radiating from a central aperture. The device also includes means for releasably fixing the substance dispenser to the supporting structure so that the central aperture slides over a portion of the support structure, and so that the plurality of fingers extend away from the supporting structure. Support for the changes to claim 1 may be found at least in the drawings and in the background section which states "these devices are required to be retained within the body cavity for the slow release of drugs over a period of time." See specification, page 1, lines 14-15.

Fournier, in contrast, is an applicator swab used to apply a single dose of a medication composition to an internal body surface. See Fournier, column 1, lines 44-

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47. Fournier does not disclose any substance delivery device for an animal. Nor does Fournier disclose any substance delivery device that is configured to be retained within the body cavity of the animal to allow the sustained release over a period of time. Instead, the applicator swab of Fournier is not configured to be used on animals. It is configured to be used on humans, as indicated in that the invention is for use in feminine hygiene and designed to be inconspicuous, readily concealable, and easily disposable. See Fournier, column 3, lines 60-61; column 4, lines 40-43. Nowhere does Fournier disclose that the applicator swab is for an animal.

Further, the applicator swab of Fournier is not configured to be retained within any body cavity. The term retained means "to hold secure or intact." See Merriam-Webster Online Dictionary, www.m-w.com, visited December 29, 2003. The applicator swab disclosed by Fournier is not configured to be retained within a body cavity. Instead, it is inserted into a body cavity, and immediately withdrawn. The Office may argue that the swab of Fournier could be maintained within a body cavity. But even if the applicator swab of Fournier were able to be maintained within a body cavity for a period of time, it is not configured to be retained within the cavity. Because claim 1 recites a substance delivery device for insertion into a body cavity of an animal, with all the recited subject matter including being configured to be retained within the cavity, claim 1 is allowable over Fournier.

Additionally, the swab of Fournier does not anticipate a substance delivery device including a plurality of finger means for allowing sustained release of substances over a period of time. Applicant discloses numerous means for providing sustained release of drugs over a period of time. For example, a biodegradable coating,

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electronically controlled pump, or cavities may allow the sustained release of drugs. See page 11, lines 7-12. In addition, the sustained release of drugs may be provided by impregnated gills. The thickness and number of gills control the duration and profile of the dose. See page 11, lines 20-24.

Fournier does not disclose a device with finger means that allow sustained release of substances over a period of time. Accordingly, claim 1 is allowable over Fournier. Applicant respectfully requests that the Examiner withdraw the rejection and allow claim 1.

Claims 2-4 and 6-8 depend from and add additional features to independent claim 1. Accordingly, these claims are allowable for at least the reasons that claim 1 is allowable. Applicants respectfully request that the Examiner withdraw the rejection.

Claim 8

As set forth above, claim 8 is allowable for all the reasons that claim 1 is allowable. In addition, claim 8 recites that the substance delivery device is configured to be retained within a cow. Fournier does not disclose any device configured to be retained within any cavity, much less a cavity on a cow. Fournier discloses an applicator swab configured to be used on humans, as indicated in that the invention is for use in feminine hygiene and designed to be inconspicuous, readily concealable, and easily disposable. See Fournier, column 3, lines 60-61; column 4, lines 40-43. Fournier does not anticipate claim 8 and the rejection should be withdrawn.

Claim 5

Applicant has rewritten claim 5 in independent form to include the features of the original claim 1. In addition to being patentable for the reasons that original claim 1 was

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patentable, claim 5 recites that the substance dispenser is made of polydimethylsiloxane. Fournier does not disclose this features. Fournier discloses a swab formed of a polymeric foam material such as foam rubber, polyether foam, or polyester urethane foam. See Fournier, column 2, lines 9-15. Nowhere does Fournier disclose that its swab is formed of polydimethylsiloxane. Accordingly, claim 5 is not anticipated by Fournier. Applicant respectfully requests that claim 5 be allowed.

New Claims

Claims 9-19 are new claims directed to a substance delivery device adapted for insertion into a body cavity of an animal. The device includes many of the patentable features of claim 1. It also includes finger means configured to allow the sustained release of substances by dissolution over a period of time. Fournier does not disclose a substance delivery device having all the features of claim 9, with finger means configured to allow the sustained release of substances by dissolution over a period of time. Fournier discloses that the swab is a foam material for applying liquid or semi-solid material. See Fournier, column 2, lines 9-15. A foam material would absorb the liquid or semi-solid material, which would secrete the liquid or semi-solid material when it is used to swab or scrub the cavity. Such a secretion is not dissolution. Fournier does not disclose a substance delivery device having all the features of claim 9 with finger means configured to allow the sustained release of substances by dissolution over a period of time.

Claim 9 also recites that the dispenser is configured so that the substance delivery rate is based upon the thickness of the finger means. Fournier does not disclose this feature. In Fournier, the substance delivery rate is not based upon the

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thickness of a finger means. Instead, the substance delivery rate would be based upon the amount of contact with walls of the cavity, as it would appear that any substance on the swab would be secreted from the swab as the swab is pressed against the walls of the cavity. Accordingly, claim 9 is allowable over Fournier.

Claims 10-19 depend from and add additional features to independent claim 9. Accordingly, these claims are allowable for at least the reasons that claim 9 is allowable. Applicants respectfully request that the Examiner allow these claims.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests the timely allowance of the pending claims. Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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